

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6192**

**BILL NUMBER: SB 40**

**NOTE PREPARED:** Jan 22, 2004

**BILL AMENDED:**

**SUBJECT:** Motor Vehicle Restraint Systems.

**FIRST AUTHOR:** Sen. Wyss

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires every occupant of a motor vehicle to wear a safety belt, with certain exceptions. It removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana Supreme Court. The bill also provides that the operator of a motor vehicle commits a Class D infraction if a passenger in the motor vehicle is less than 12 years of age and is not restrained by a child passenger restraint system or safety belt, and it repeals a similar provision in current law that applies only to passenger motor vehicles.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Under current law, trucks, tractors, and recreational vehicles are excluded from the requirements for safety belt use. This bill would remove these exclusions and require all passengers, not just those in the front seat, to be equipped with a safety belt. Additionally, the bill would create a Class D infraction for persons operating a motor vehicle if a child between 4 and 12 years of age is not properly fastened or restrained by a child restraint system or a safety belt.

Although the number of additional citations and fines will depend on compliance and enforcement, the number of vehicles subject to seat belt use, based on vehicle registrations, would increase by 40%. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments are collected. The maximum judgment for a Class D infraction is \$25, which is deposited in the state General Fund. If a criminal action, infraction, or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Revenue from each class of infraction is not separately identified in the state accounting system. Revenues to the state from all infractions totaled \$10.6 M in FY 2003. There were 93,424 citations for seat belt violations for the 12-month period ending September 2002, and 3,053 citations for child restraint violations during the same time period. Assuming that citations for seat belt violations were to increase by 40% and that each citation resulted in a \$25 fine, the additional revenue to the state General Fund could increase by \$934,000. No data is available to indicate how many new infractions might result from the other provisions in the bill regarding all passengers being required to wear seat belts.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Bureau of Motor Vehicles Citations Listing Report by Offenses Entered; Bureau of Motor Vehicles Annual Registration County Count.

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